IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,
THE CHIEF JUSTICE

WRIT PETITION NO : 17189 of 1994

Between:

Fisherman Co-operative Society Thummalapentapallipalem, Kavali Mandal, Nellore District. rep. by its President
R. Venkata Ramanaiah, S/o. Tirupalu, aged 35 years.

..... PETITIONER

AND

The Assistant Director of Fisheries, Nellore.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondent herein in not registering the agreement Dt.20-7-1991 executed in favour of the petitioners society, as arbitrary, illegal and unjust by issuing any appropriate Writ, order or orders.

For the Petitioner : MR.M.V.S.SURESH KUMAR, Advocate

For the Respondent : The G.P. For Panchayat Raj.

The Court Made the Following :

ORAL ORDER:

1. Petitioner questioned the action of respondent in not registering the agreement dated 20.07.1991 alleged to have been executed in favour of petitioner's Society as arbitrary.

2. Affidavit in reply was filed by Assistant Director of Fisheries, Nellore, stating that since petitioner – Society had taken loan of about Rs.5,00,000=00 from Andhra Pradesh Fisheries Cooperative Federation during the year 1987 and not repaid the loan amount to the Federation, registration could not be done and that petitioner had paid an amount of Rs.4,00,000=00 towards loan and balance amount is still payable. It is further stated that land will be registered to Society soon after receipt of clearance from District Authorities who are having competency over the administration.

3. In view of the affidavit in reply, no further direction deserves to be issued in this petition except observing that in case petitioner is otherwise entitled for registration of the agreement of lease and has cleared all the dues, etc., and in case agreement of lease has not been registered, respondent will take appropriate steps in the matter and do the needful within a period of two months from the date of receipt of a copy of this writ order from this court on petitioner complying with other requirements of law. Accordingly writ petition is disposed of. No costs.

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DEVINDER GUPTA. C.J.,

Dated: 17.06.2004.

VRK.

To

1. The Assistant Director of Fisheries, Nellore.
2. Two CCs to the G.P. for Panchayat Raj, High Court Building, Hyderabad (OUT).
3. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE

W.P.NO.17189 OF 1994.

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Dt: 17.06.2004.

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